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E.O. 12958: DECL: 08/31/2029  
TAGS: [KACT](#) [PARM](#) [START](#) [US](#) [RS](#)  
SUBJECT: SUPPLEMENTAL GUIDANCE FOR U.S. START FOLLOW-ON  
TREATY DELEGATION (DRAFT NEW START TREATY INSPECTION  
PROTOCOL) (CABLE 2 OF 7)

REF: A. STATE 088262 (U.S.-PROPOSED TREATY TEXT PART 1)  
[1](#)B. STATE 088263 (U.S.-PROPOSED TREATY TEXT PART 2)  
[1](#)C. STATE 088259 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 1)  
[1](#)D. STATE 088260 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 2)

Classified By: Jerry A. Taylor, Director, VCI/SI.  
Reason: 1.4(b) and (d)

[1](#)1. (S) BACKGROUND: On August 25, 2009, U.S. Embassy Moscow provided the texts of the Draft New START Treaty Articles and the associated Definitions Annex to the Russian Federation (Refs A-D). This cable contains the U.S.-proposed draft of the New START Treaty Inspection Protocol. A courtesy Russian language translation will be sent to the Delegation in Geneva by e-mail. The Annexes to the Inspection Protocol will be sent Septel when they are complete, but are unlikely to be finished prior to the end of the August 31-September 3, 2009 session.

[1](#)2. (S) This is the second of seven cables. This cable contains paragraph 31 of Section III through paragraph 16 of Section V of the U.S.-proposed Draft Inspection Protocol. Delegation and Embassy should note that, due to the length of the draft, the text was sent using multiple cables.

[1](#)3. (S) GUIDANCE: Delegation should provide a copy, including the courtesy Russian language translation, of the U.S.-proposed Draft Inspection Protocol to the Russian Delegation and, as time permits, explain the U.S. positions on the Protocol. Delegation should encourage Russian questions and reactions to the U.S. text and seek to identify areas of agreement and disagreement. Delegation should explain that the associated Inspection Protocol Annexes will be provided as soon as possible.

[1](#)4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S.-proposed draft New START Treaty Inspection Protocol contained in the associated cables into one document and provide a courtesy copy of that text to appropriate host government officials. Embassy Moscow should explain that the U.S. Delegation in Geneva provided the Russian Delegation a paper and electronic copy of the text as well as a courtesy Russian-language translation of the text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that

time.

15. (S/Releasable to the Russian Federation) Begin text:

131. Notification confirming intention to use ground transportation vehicles and related services in accordance with subparagraph 8(b) of Part B of Section IV of this Protocol shall be provided by the inspecting Party to the inspected Party no less than 20 days in advance of the estimated date of provision of the ground transportation vehicles at the facility subject to continuous monitoring or monitored facility, or at the point of departure of the cargo, and shall include:

(a) the number, time and date of the notification provided in accordance with paragraph 30 of this Section; and

(b) any changes to the information contained in such notification.

132. Notification confirming the provision of ground transportation vehicles and related services in accordance with subparagraph 8(c) of Part B of Section IV of this Protocol shall be provided by the inspected Party to the inspecting Party no less than 10 days in advance of the estimated date of provision of the ground transportation vehicles at the facility subject to continuous monitoring or monitored facility, or at the point of departure of the cargo, and shall include:

(a) the type of ground transportation vehicles and the number of vehicles of each type that will be provided;

(b) the estimated date of provision of the ground transportation vehicles at the monitored facility or at the point of departure of the cargo;

(c) the estimated date of arrival of the ground transportation vehicles with cargo at the monitored facility or at the point of departure of the cargo;

(d) the services that will be provided by the inspected Party;

(e) passport information for the drivers of the ground transportation vehicles and other individuals accompanying such vehicles; and

(f) the estimated route that will be used by the ground transportation vehicles when transiting between the point of departure of the cargo and the facility subject to continuous monitoring or monitored facility.

133. Notification of a change to a point of departure of the cargo located outside the territory of the inspected Party shall be provided in accordance with paragraph 3 of Part B of Section IV of this Protocol no less than five months prior to the beginning of the use of the new point of departure of the cargo, and shall include:

(a) the new point of departure of the cargo; and

(b) the date on which use of the new point of departure of the cargo will commence.

#### IV. Arrangements for Transportation

##### A. Air Transportation

1. The United States of America and the Russian Federation shall each establish on its territory no more than three and no fewer than two points of entry. The points of entry and their associated inspection sites shall be listed in Annex I of the Memorandum of Understanding. Each Party may change a point of entry to its territory by providing notification of such a change to the other Party in accordance with paragraph 23 of Section III of this Protocol.

12. The inspected Party shall, for each facility subject to continuous monitoring or monitored facility, identify the airport associated with that facility. Provisions of this Protocol relating to points of entry, except for the provisions of paragraphs 2, 3, 4, and 14 of Section V of this Protocol, shall apply to such airports while inspection airplanes or equipment and supplies transported by such airplanes in accordance with paragraph 4 of this Section are located there.

13. The inspecting Party shall have the right to use inspection airplanes of the types specified in paragraph 2 of Annex 10 to this Protocol for the transportation of inspectors or monitors to the points of entry on the territory of the inspected Party. Such airplanes may, at the same time that they are transporting inspectors, carry equipment intended for inspections. Such airplanes may, at the same time that they are transporting monitors, carry equipment and supplies intended for continuous monitoring activities. The inspecting Party shall provide notification of each flight of an inspection airplane transporting inspectors or monitors in accordance with paragraph 3, 5, 6, 10, 11, 13, 14, or 15 of Section III of this Protocol.

14. The inspecting Party shall have the right to use inspection airplanes of types specified in paragraph 3 of Annex 10 to this Protocol for the transportation of cargo specified in an inventory provided in accordance with paragraph 1 of Annex 7 to this Protocol. Such airplanes may, at the same time that they are transporting such cargo, carry monitors, and equipment and supplies intended for continuous monitoring activities, and, if such airplanes arrive at the point of entry, also inspectors and equipment intended for inspections. Such airplanes may carry only equipment, only supplies, or both at one and the same time. Flights of such airplanes shall take place only to the points of entry, and, for airplanes not transporting inspectors, on a case-by-case basis, with the permission of the inspected Party, into airports associated with facilities subject to continuous monitoring or monitored facilities. For airplanes making flights into airports associated with facilities subject to continuous monitoring or monitored facilities, the inspected Party shall have the right to provide an escort crew consisting of not more than two individuals (navigator and radio operator or navigator only) who shall board the inspection plane at the last airfield prior to entering the airspace of the inspected Party. The inspecting Party shall provide notification of each flight of an inspection airplane for the transportation of cargo in accordance with paragraph 17 of Section III of this Protocol and, if applicable, paragraph 3, 5, 6, 10, 11, 13, 14, 15, or 18 of Section III of this Protocol.

15. The inspecting Party shall have the right to use airplanes making regularly scheduled commercial flights to transport inspectors and monitors to those points of entry that are served by such airplanes. The provisions of this Protocol shall not affect airplanes making regularly scheduled commercial flights that are used for the transportation of inspectors and monitors to points of entry, or their aircrews. Inspectors arriving on the territory of the inspected Party on an airplane making a regularly scheduled commercial flight shall have the right to bring equipment intended for inspections. Monitors arriving on the territory of the inspected Party on an airplane making a regularly scheduled commercial flight shall have the right to bring equipment and supplies intended for continuous monitoring activities.

16. An inspection airplane used in accordance with paragraph 4 of this Section may transport equipment and supplies for more than one facility subject to continuous monitoring or monitored facility only if all such facilities are associated with the same point of entry and the flight is made to that point of entry.

¶7. The following routes for flights of inspection airplanes used in accordance with this Section to and from the points of entry shall be listed in paragraph 10 of Annex I to the Memorandum of Understanding:

(a) from the west, directly to and from the points of entry to the western points of entry to the Russian Federation and the United States of America;

(b) from the east, directly to and from the point of entry to the eastern points of entry to the Russian Federation and the United States of America.

Such flights shall be the basis for issuing standing diplomatic clearance numbers. Each Party shall assign alternate airfields in accordance with the rules of the International Civil Aviation Organization. Each Party may change routes for flights of inspection airplanes to and from points of entry established on its territory by providing a notification of such change to the other Parties in accordance with paragraph 27 of Section III of this Protocol.

¶8. Flight plans for inspection airplanes shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. The inspecting Party shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: Inspection airplane. Priority clearance processing required.

¶9. No less than three hours before the scheduled time for departure of an inspection airplane from the last airfield prior to entering the airspace of the inspected Party, the inspected Party shall ensure that the flight plan of the inspection airplane, filed in accordance with paragraph 8 of this Section, is approved so that the inspection team or monitors may arrive at the point of entry by the estimated arrival time.

¶10. The call sign New START-xxx shall be assigned to inspection airplanes. The same odd-hundred call sign shall be assigned to inspection airplanes of the United States of America (for example, 1XX, 3XX, 5XX) and the same even-hundred call sign shall be assigned to inspection airplanes of the Russian Federation (for example, 2XX, 4XX, 6XX).

¶11. The number of aircrew members for each inspection airplane shall not exceed ten, except that the inspecting Party shall have the right to exceed that number of aircrew members by no more than 15 for inspection airplanes used in accordance with paragraph 4 of this Section, for the purpose of assisting in the delivery or removal of equipment and supplies intended for continuous monitoring activities or, on a case-by-case basis, with the permission of the inspected Party, for the purpose of conducting non-routine maintenance or repair of inspection airplanes located within the territory of the inspected Party.

¶12. The inspected Party shall provide parking, security protection, fueling, air navigation, airport facility, and ground technical and commercial services, as well as additional services as requested, for inspection airplanes of the inspecting Party at the point of entry or the airport associated with the facility subject to continuous monitoring or monitored facility. The cost of parking and security protection for each such airplane shall be borne by the inspected Party. The cost of fueling and air navigation, airport facility and ground technical and commercial services, as well as additional services as requested, shall be borne by the inspecting Party.

¶13. For each facility subject to continuous monitoring or monitored facility, the maximum weight of equipment and supplies that may be brought into or taken out by one

flight of an airplane transporting monitors through the point of entry in accordance with the provisions of this Section shall be 3,000 kilograms, unless otherwise agreed within the framework of the Bilateral Consultative Commission. This limitation on weight shall not apply to the cargo specified in the inventory provided in accordance with paragraph 1 of Annex 7 to this Protocol.

#### B. Ground Transportation

11. The inspecting Party shall have the right to use ground transportation vehicles to transport cargo consisting of equipment and supplies to or from the facility subject to continuous monitoring or monitored facility that is located on the territory of the inspected Party. Such vehicles may transport only equipment, only supplies, or both at one and the same time.

12. Cargo consisting of equipment and supplies shall be transported to and from the facility subject to continuous monitoring or monitored facility using ground transportation vehicles no more than five times a year.

13. In connection with the use of ground transportation vehicles to transport cargo consisting of equipment and supplies to or from the facility subject to continuous monitoring or monitored facility, the inspecting Party shall designate a point of departure of the cargo located outside the territory of the inspected Party where cargo loading and offloading will occur. The points of departure of the cargo and their associated facility subject to continuous monitoring or monitored facility shall be listed in Annex TBD of the Memorandum of Understanding. Each Party may change a point of departure of the cargo by providing notification of such a change to the other Party in accordance with paragraph 33 of Section III of this Protocol.

14. Ground transportation vehicles and related services necessary for transporting cargo consisting of equipment and supplies from the point of departure of the cargo to the facility subject to continuous monitoring or monitored facility, or removing such cargo from that facility to the point of departure of cargo, shall be provided by the inspected Party at the request of the inspecting Party.

15. The inspected Party shall provide ground transportation vehicles and related services at the point of departure of the cargo, or at the facility subject to continuous monitoring or monitored facility, as requested by the inspecting Party using a cargo carrier selected by the inspected Party.

16. Procedures regarding payment of costs, and other issues related to the provision of ground transportation vehicles for transporting the cargo consisting of equipment and supplies intended for continuous monitoring activities and of related services, at the point of departure of cargo or at the facility subject to continuous monitoring or monitored facility, shall be specified in a contract concluded between the cargo carrier selected by the inspected Party and an authorized representative of the inspecting Party.

17. The contract referred to in paragraph 6 of Part B of Section IV of this Protocol, for the provision of ground transportation vehicles and related services necessary for cargo transportation, shall specify, inter alia:

(a) the vehicles and services requested of the cargo carrier;

(b) procedures used by the cargo carrier, the leader of the monitoring team and the leader of the in-country escorts to coordinate the transportation of cargo consisting of equipment and supplies to or from the facility subject to continuous monitoring or monitored facility; and

(c) procedures for settlement of accounts for all ground transportation vehicles and services provided, including any mutually-agreed services provided as a result of unforeseen circumstances.

¶8. In connection with a request made by the inspecting Party to use ground transportation vehicles to transport cargo consisting of equipment and supplies to or from the facility subject to continuous monitoring or monitored facility, the following notifications shall be provided:

(a) The inspecting Party shall provide a notification to the inspected Party of its intention to use ground transportation vehicles. This notification shall be provided in accordance with paragraph 30 of Section III of this Protocol.

(b) The inspecting Party shall provide a notification to the inspected Party confirming its intention to use ground transportation vehicles and services. This notification shall be provided in accordance with paragraph 31 of Section III of this Protocol.

(c) The inspected Party shall provide a notification to the inspecting Party confirming that the ground transportation vehicles and services requested by the inspecting Party will be provided. This notification will be provided in accordance with paragraph 32 of Section III of this Protocol.

¶9. The inspecting Party shall provide the inspected Party with an inventory of the cargo consisting of equipment and supplies to be delivered to the facility subject to continuous monitoring or monitored facility, or removed from that facility, using the procedures set forth in Annex 7 to this Protocol. The inspecting Party shall provide such inventory through its embassy no less than ten days prior to the arrival of the ground transportation vehicles on (or departure from) the territory of the inspected Party.

¶10. The transportation of cargo consisting of equipment and supplies intended for continuous monitoring activities to or from the facility subject to continuous monitoring or monitored facility by ground transportation vehicles shall not affect the provisions of paragraph 4 of Section IV of this Protocol.

¶11. The inspected Party shall ensure that equipment and supplies delivered to or removed from the facility subject to continuous monitoring or monitored facility, using ground transportation vehicles, are exempt from all customs duties and are expeditiously processed at the location at which they enter or depart the territory of the inspected Party.

¶12. Cargo shall be examined by the inspected Party at the facility subject to continuous monitoring or monitored facility using the relevant provisions set forth in Annex 7 to this Protocol.

#### ¶V. Activities Beginning Upon Arrival at the Point of Entry

¶1. Inspection teams, monitors, and air-crew members shall arrive at the point of entry on the territory of the inspected Party that is associated with the inspection site or the facility subject to continuous monitoring or monitored facility. As soon as the airplane lands, the in-country escort shall meet: the inspection team or monitors, and aircrew members arriving at the point of entry on an inspection air-plane; or the inspection team or monitors arriving at the point of entry on an airplane making a regularly scheduled commercial flight. The in-country escort shall expedite the entry of the inspection team or monitors, and aircrew members, their baggage, and equipment intended for inspections, or equipment and supplies intended for continuous monitoring

activities, into the territory of the inspected Party and shall accompany the inspection team and assist it in exercising its functions throughout the in-country period. The in-country escort shall have the right to accompany monitors and shall assist them in exercising their functions throughout the in-country period.

¶2. As soon as an airplane lands, diplomatic officials of each Party whose citizens are among the inspectors, monitors, and aircrew members arriving at the point of entry shall meet:

(a) the inspection team or monitors, and aircrew members arriving at the point of entry on an inspection airplane; or

(b) the inspection team or monitors arriving at the point of entry on an airplane making a regularly scheduled commercial flight.

Such diplomatic officials may accompany inspectors and monitors only during the stay of the inspectors and monitors at the point of entry, but may accompany the aircrew members throughout the in-country period.

¶3. An inspection airplane arriving at the San Francisco point of entry shall land at Travis Air Force Base. No more than two diplomatic officials of the Russian Federation shall be permitted to enter Travis Air Force Base for the purpose of meeting inspectors, monitors, and aircrew members arriving there. For that purpose, no less than four hours prior to the estimated time of arrival of such an airplane at Travis Air Force Base, the Russian embassy or consular post of which such diplomatic officials are members shall transmit to the Department of State of the United States of America in Washington, D.C. by telephone, the names of the diplomatic officials involved and the registration number of the vehicle involved. The diplomatic officials so identified shall be granted access to the base no less than 30 minutes prior to the estimated time of arrival of such airplane.

¶4. The inspected Party shall provide, or arrange for providing transportation to Travis Air Force Base of inspection teams and monitors that arrive at San Francisco International Airport on airplanes making regularly scheduled commercial flights. In such cases, no more than two diplomatic officials of the Russian Federation shall be permitted to accompany such inspection teams or such monitors onto Travis Air Force Base. No less than two hours prior to the estimated time of arrival of the inspection team or monitors at San Francisco International Airport, the Russian embassy or consular post of which such diplomatic officials are members shall transmit to the Department of State of the United States of America in Washington, D.C., by telephone, the names of the diplomatic officials involved and the registration number of the vehicle involved, for the purpose of providing the diplomatic officials so identified access to Travis Air Force Base in order to accompany inspection teams or monitors.

¶5. An inspector or monitor shall be considered to have assumed the duties of an inspector or monitor upon arrival at the point of entry on the territory of the inspected Party and shall be considered to have ceased performing those duties after departure from the territory of the inspected Party through the point of entry.

¶6. Throughout the in-country period, inspectors and monitors shall wear civilian clothes. During their stay at the inspection site, in the perimeter continuous monitoring area, and at other locations, as agreed by the inspection team leader or monitoring team leader and a member of the in-country escort, the inspectors and monitors shall wear unique badges provided by the inspecting Party.

¶17. Each Party shall ensure that equipment and supplies are exempt from all custom duties and are expeditiously processed at the point of entry.

¶18. Equipment and supplies that the inspecting Party, in accordance with paragraphs 15 and 16 of Section VI of this Protocol, brings into the country in which the inspection site or the facility subject to continuous monitoring or monitored facility is located shall be subject to examination each time they are brought into that country. Such equipment and supplies shall be examined by the in-country escort, in the presence of inspectors or monitors, or, for inspection airplanes used in accordance with paragraph 4 of Section IV of this Protocol, at the discretion of the inspecting Party, in the presence of aircrew members. The purpose of such examination shall be to ascertain to the satisfaction of each Party that the equipment or supplies cannot perform functions unconnected with the requirements of inspections or continuous monitoring activities.

¶19. Equipment and supplies that inspectors or monitors bring on inspection airplanes used in accordance with paragraph 3 of Section IV of this Protocol or on airplanes making regularly scheduled commercial flights shall be examined by the in-country escort at the point of entry. The examination of such equipment and supplies shall be completed prior to the departure of the inspection team or monitors from the point of entry for the inspection site or the facility subject to continuous monitoring or the monitored facility.

¶10. Equipment and supplies transported on inspection airplanes used in accordance with paragraph 4 of Section IV of this Protocol shall be examined in accordance with the provisions of Annex 7 to this Protocol.

¶11. If the inspected Party concludes as a result of an examination conducted in accordance with paragraph 8 of this Section that an item of equipment or supplies can perform functions unconnected with the requirements of inspections or continuous monitoring activities, the inspected Party may impound that item of equipment or supplies at the location of the examination. Equipment and supplies impounded at the point of entry or the airport associated with the facility subject to continuous monitoring or the monitored facility shall not be brought to an inspection site or to a facility subject to continuous monitoring or monitored facility, unless the inspected Party informs the inspecting Party otherwise.

¶12. If, during the examination of equipment or supplies a member of the in-country escort concludes that an item of equipment or supplies should not be cleared for use, the member of the in-country escort shall explain the reasons for that conclusion to the inspection team leader or the monitoring team leader, or an authorized representative of such a team. If the inspection team leader or the monitoring team leader, or the authorized representative of such a team, disagrees with the conclusion of the member of the in-country escort, the inspection team leader or the monitoring team leader, or the authorized representative of such a team, may explain the appropriateness of the item of equipment or supplies to the requirements of inspections or continuous monitoring activities. If the member of the in-country escort remains convinced of the original conclusion, that member of the in-country escort and the inspection team leader or the monitoring team leader, or the authorized representative of such a team, shall record their views in a joint document and each of them shall retain a copy of the document. The Parties may resolve disagreements on the use of impounded equipment or supplies through diplomatic channels, within the framework of the Bilateral Consultative Commission, or by other methods agreed by the Parties.

¶13. If the inspected Party has not informed the inspecting

Party of a different decision, the equipment or supplies impounded at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility shall be removed no later than the departure from the country of the inspection team that brought the impounded equipment or supplies or no later than the next departure of monitors from the country. The impounded equipment or supplies may be removed from the country, at the choice of the inspecting Party, either on an inspection airplane or on a civil aircraft making a regularly scheduled commercial flight. Until such equipment or supplies have been removed from the country, they shall be stored at the point of entry or the airport associated with the facility subject to continuous monitoring or monitored facility. A storage method shall be used that requires the presence of representatives of both Parties for access to the impounded equipment or supplies.

¶14. Except as provided for in Annex 7 to this Protocol, each Party shall have the right to store equipment and supplies at the points of entry on the territory of the other Party. Storage of such equipment and supplies at each point of entry shall be within a secure structure or room. The inspecting Party may provide containers that are locked by locks and sealed by seals belonging to the inspecting Party, for storage of such equipment and supplies within the secure structure or room. The storage method used shall require the presence of representatives of both Parties for access to the equipment or supplies.

¶15. For a data update, nuclear warhead, or formerly declared facility inspection conducted pursuant to paragraph 2, 3, or 5 of Article XI of the Treaty, respectively, the inspection team leader shall, at or before the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 3 of Section III of this Protocol, designate in writing to the inspected Party through the in-country escort, of the type of inspection and the inspection site, indicating its name and geographic coordinates. Such a designation of the inspection site shall be made either at the time specified in that notification at the airport of the point of entry, or, prior to that time, at the airport of the point of entry or at another place within the point of entry.

¶16. For nuclear warhead inspections of deployed ICBMs and SLBMs, prior to the departure of the inspection team for the inspection site, a member of the in-country escort shall inform the inspection team leader if there are no deployed ICBMs or SLBMs in all of the restricted areas of the ICBM base for mobile launchers of ICBMs or at a submarine base to be inspected. In such a case no later than one hour after such notification, the inspection team leader shall have the right to:

(a) inform the member of the in-country escort that the inspection of the designated base for mobile launchers of ICBMs or of the submarine base shall take place. In this case such inspection shall count against the quota provided for in paragraph 1 of Section IX of this Protocol;

(b) designate for inspection an inspection site associated with the same point of entry in accordance with the provisions provided in paragraph 15 of this Section or in paragraph 36 or 37 of Section VI of this Protocol;

(c) decline to conduct the inspection and leave the territory of the inspected Party. In this case the number of nuclear warhead inspections of deployed ICBMs and SLBMs to which the inspecting Party is entitled shall not be reduced.

End text.  
CLINTON